IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 31085 of 2007(A)

PETITIONER:

MUHAMMED SHAN, SHAH MANZIL, MEMANA,
OACHIRA, KOLLAM.

BY ADV. SRI.JOHN BRITTO
SRI.C.A.RAJEEV

RESPONDENTS:
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1. THE JOINT REGISTRAR, CO-OPERATIVE
SOCIETIES (GENERAL), KOLLAM.

2. VAYANAKAM SERVICE CO-OPERATIVE
BANK LTD.NO.1483, VAYANAKAM NJAKKANAL P.O.
OACHIRA, KOLLAM.
REPRESENTED BY ITS PRESIDENT.

3. ANIL KUMAR.S., MEENATHERI VEEDU,
VAYANAKAM, NJAKKANAL P.O., OACHIRA,
KOLLAM.

BY ADV. SRI.D.KISHORE - R2
GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 31085/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RESOLUTION NO. 48 DT. 1/7/06 OF THE R2.

EXT.P2. COPY OF THE ORDER NO. CRP(2) 6620/06 DT. 23/2/2007 OF THE R1.

EXT.P3. COPY OF THE COMPLAINT DT. 8/3/07 BEFORE THE R1.

EXT.P4. COPY OF THE CERTIFICATE DT. 5/3/07 BY SUB GROUP OFFICER, KANNANAKIZHI, TRAVANCORE DEVASWOM BOARD.

EXT.P5. COPY OF THE SUB COMMITTEE REPORT DT. 12/6/07.

EXT.P6. COPY OF THE COMMUNICATION DT. 20/6/07 OF THE R1 TO THE R2.

EXT.P7. COPY OF THE REPLY DT. 2/07/07 OF THE R2.

EXT.P8. COPY OF THE COMMUNICATION DT. 10/09/07 OF THE R1 TO THE R2.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE APPLICATION DT. JANUARY, 2006 SUBMITTED BY THE R3.

EXT.R2B. COPY OF THE COMPLAINT DT. 8/3/2007 GIVEN BY SRI. NINAN PHILIP.

True copy

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.31085 of 2007-A

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Dated this the 13th day of November, 2007.

JUDGMENT

1. The third respondent's father N.Sukumara Pillai was an attender in the service of the second respondent, a co-operative bank. He died in harness. The second respondent decided, to appoint the third respondent on compassionate ground, as per Ext.P1 decision. That was concurred by the Joint Registrar, as per Ext.P2. Then, it turned out that the third respondent was employed with the Travancore Devaswom Board and the second respondent bank concluded on an enquiry that he was not entitled to be appointed. Still, Exts.P6 and P8 were issued by the Joint Registrar essentially compelling the second

respondent bank to appoint the third respondent in terms of Ext.P1 resolution which was concurred as per Ext.P2. Obviously, the Joint Registrar has ignored the findings of facts by the Committee constituted by the second respondent bank that the third respondent had suppressed material facts while applying for appointment on compassionate ground and that he was otherwise gainfully employed.

2. The aforesaid facts are on record, supported by the counter affidavit of the second respondent bank.

3. The third respondent, though notice was served on him by the special messenger before the issuance of the interim order dated 23-10-2007, does not appear and has not placed any material contradicting the stand of the petitioner.

4. Having regard to the factual situation noticed above, it is

declared that Ext.P2 cannot be enforced. Exts.P6 and P8 are consequentially quashed.

The writ petition is allowed as above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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